

**DAVIS POLK & WARDWELL**

450 LEXINGTON AVENUE  
NEW YORK, NY 10017  
212 450 4000  
FAX 212 450 3800

MENLO PARK  
WASHINGTON, D.C.  
LONDON  
PARIS  
FRANKFURT  
MADRID  
TOKYO  
BEIJING  
HONG KONG

JAMES I. McCLAMMY  
212 450 4584  
JAMES.McCLAMMY@DPW.COM

May 4, 2009

In re Mutual Funds Investment Litigation (MDL-1586)  
No. 04-MD-15862

*Carey v. Pilgrim Baxter & Assoc., Ltd., et al.*  
Case No. 04-CV-01151

The Honorable Andre M. Davis  
United States District Judge  
United States District Court for the District of Maryland  
United States Courthouse  
101 West Lombard Street  
Baltimore, MD 21201

Dear Judge Davis:

We represent JP Morgan Chase & Co. ("JP Morgan") in the referenced class action consolidated in the above referenced MDL.

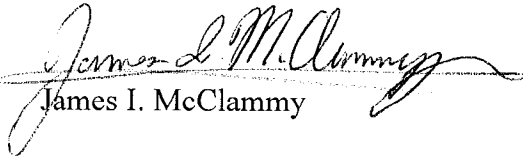
Pursuant to the instructions issued by the Court during an April 26, 2006 teleconference, the parties to these actions submitted, in May 2006, proposed orders to implement the Court's rulings on the defendants' motions to dismiss. (*See* Docket Entry No. 899.) JP Morgan was to have been dismissed with prejudice. Proposed orders were again submitted in June and November 2006 (*see* Docket Entry Nos. 922 and 961), and January 2007 (*see* Docket Entry No. 970). We understand that those orders remain unsigned.

There is no dispute regarding the dismissal of JP Morgan in the above-captioned action and, therefore, we respectfully submit the attached proposed form of order for entry by the Court.

This Court has entered orders of dismissal as to certain other similarly situated defendants. (*See, e.g.,* Docket Entry Nos. 1137, 1140 and 1144.) We have conferred with counsel for the Lead Plaintiff, the Ohio Public Employees Deferred Compensation Plan, in Case No. 04-CV-01151, and they do not have

any objections to the proposed order. Thank you for your consideration in this matter.

Respectfully submitted,

  
James I. McClammy

Encl.

VIA ECF

Copy to:

ALL COUNSEL VIA ECF